

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

DANA M. BRITTON,

Plaintiff,

vs.

COMMISSIONER,
Social Security Administration,

Defendant.

Case No. 6:21-cv-00971-JR

ORDER GRANTING PLAINTIFF'S
MOTION FOR ATTORNEY FEES
PURSUANT TO 42 U.S.C. § 406(b)

Plaintiff Dana M. Britton brought this action seeking review of the Commissioner's final decision denying her application for disability benefits under the Social Security Act. The Court reversed the Commissioner's decision and remanded the case for further administrative proceedings. The Commissioner subsequently found Plaintiff entitled to Social Security benefits beginning June 2017.

Plaintiff now seeks an award of fees pursuant to 42 U.S.C. § 406(b). I have reviewed the record in this case, the motion, and the supporting materials, including the award of benefits, the fee agreement with counsel, and the recitation of counsel's hours and services. Applying the

standards set by *Gisbrecht v. Barnhart*, 535 U.S. 789, 796 (2002), the Court finds that the requested fees are reasonable.

Plaintiff's Motion for Attorney Fees Pursuant to 42 U.S.C. 406(b) is hereby GRANTED, and Plaintiff's counsel is awarded \$15,803.00 in attorney's fees under 42 U.S.C. § 406(b), representing the difference between the full § 406(b) amount requested (\$25,563.00) and the amount of EAJA fee counsel previously received (\$9,760.00).

In accordance with agency policy, the Commissioner is instructed to make a direct payment of the award of \$15,803.00, less any applicable processing or user fees prescribed by statute, to Plaintiff's attorney, Brent Wells, at WELLS, MANNING, EITENMILLER & TAYLOR, P.C., from benefits the Social Security Administration has withheld from Plaintiff's past due benefits. Any amount withheld after all administrative and court attorney fees are paid should be released to the claimant.

IT IS SO ORDERED this 14th day of November, 2024.

/s/ Jolie A. Russo
Jolie A. Russo
United States Magistrate Judge

Proposed Order submitted by:
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